

AGRICULTURE

DIVISION OF ANIMAL HEALTH

Disease Control Program

Enumeration of Diseases and Agents Contagious, Infectious, or Hazardous to the Health of Livestock, Poultry, Aquaculture or Animals Raised for Fur.

Proposed Amendment: N.J.A.C. 2:2-1.1

Authorized By: State Board of Agriculture, Charles M. Kuperus, Secretary

Authority: N.J.S.A. 4:5-4

Calendar Reference: See Summary below for explanation of exception to calendar requirement.

Proposal Number: PRN 2005-153

Submit comments by July 1, 2005 to:

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Summary

The New Jersey Department of Agriculture proposes amendments to N.J.A.C. 2:2-1.1 relating to the list of animal diseases reportable to the New Jersey Department of Agriculture.

The list of diseases reportable to the New Jersey Department of Agriculture is being expanded with the amendment of N.J.A.C. 2:2-1.1. These proposed amendments are necessary to continue ensuring the health of New Jersey livestock, poultry, aquacultured aquatic organisms or species, and animals raised for fur by protecting those populations from the spread or introduction in New Jersey of contagious, infectious, or hazardous diseases or agents which pose a particular and dangerous menace. In the 20th century, the veterinary profession in the United States has been in the forefront of control and eradication of old and emerging animal diseases, including bovine pleuropneumonia, foot-and-mouth disease, Texas fever, bovine tuberculosis, vesicular exanthema, and hog cholera. The early cooperation of veterinarians and departments of agriculture gave impetus to the eradication or near eradication of many diseases devastating to animals and the public health including bovine tuberculosis and brucellosis; pseudorabies; classical swine fever; foot and mouth disease; and screwworm in the United States. These and other diseases listed are all of potential significance to the animals in the State of New Jersey. Updates are needed as a result of recent disease outbreaks in the United States, including Exotic Newcastle Disease, Bovine Spongiform Encephalopathy and Highly Pathogenic Avian Influenza. In addition, national and international concerns about the possibility of bioterrorism or agro-terrorism have escalated since September 11, 2001. To address current national animal disease issues, and to address heightened security concerns, N.J.A.C. 2:2-1.1 has been amended to include any of the diseases on the CDC list of Select Agents, the USDA list of High Consequence Livestock Diseases, the USDA list of Foreign Animal Diseases (FADs), (diseases nonendemic to New Jersey) and diseases notifiable to the Office of International Epizootics (the World Animal

Health Organization.) and are so noted in N.J.A.C. 2:2-1.1(b). The chart is provided for ease of reference and while diseases may be included on several or none of these lists, they are all significant to animal health in the State of New Jersey and are therefore included on the chart, regardless of the source of concern. The identification and reporting of these diseases in New Jersey is critical to protect animal and/or human health and to prevent national and/or international embargoes of animals and animal products resulting from such outbreaks.

Most of the diseases included in the proposed list have been reportable pursuant to N.J.A.C. 2:2-1.1 for some time, but veterinarians and other stakeholders may have been unaware of the need to report specific diseases since they were listed in generalities. For example, Equine viral encephalitis, listed in the existing rules has always included the neurologic form of Equine Herpes Virus, but many veterinarians were unaware of this requirement. Additionally, although all USDA reportable diseases were included in the existing rules, they are now listed separately to increase the awareness of what is reportable. Previously, reportable diseases were listed under the headings livestock and poultry. The proposed amendment now classifies reportable diseases as multiple species diseases, diseases infectious to livestock, diseases infectious to poultry and diseases infectious to aquaculture to more accurately and clearly identify areas of concern.

As the Department has provided a 60-day comment period on this notice of proposal, this notice is excepted from the rulemaking calendar requirement pursuant to N.J.A.C. 1:30-3.3(a).

Social Impact

The regulation of contagious, infectious, or hazardous diseases and agents is necessary to prevent their spread or introduction among the populations of New Jersey's livestock, poultry, aquacultured aquatic organisms or species, and animals raised for fur. This prevention is a key element to the viability of animal agriculture and aquaculture. The expanded list of reportable diseases proposed with these amendments enumerates diseases and agents which pose a particular danger to the designated animal populations, and their reporting will help prevent the spread and introduction of diseases which may be harmful to the health of the animal husbandry industry and to humans. Additionally, this expanded list will provide a necessary measure of protection against the introduction and spread of possible bioterrorist agents.

The maintenance of rules to protect New Jersey's livestock from infectious, contagious, and hazardous diseases and agents not only affects animal owners and producers, but also prevents the spread of these diseases to other animals, wildlife and humans and enhances national security.

These proposed amendments will further protect the health of livestock, poultry, aquacultured aquatic organisms or species, and animals raised for fur in New Jersey during a time of heightened disease awareness and risk. Therefore, these proposed amendments will have a positive social impact.

Economic Impact

The burden of this rule as amended falls upon the veterinarian and the animal owner. Compliance imposes minimal costs to veterinarians and animal owners as a result of reporting diseases found. Processing paperwork will be minimized as Division staff

will assist with data collection. However, these costs are outweighed by the safety of the products produced, the protection of human health and safety, and a higher economic return from the product as a result of compliance with the rules. The market is supplied with a larger and healthier supply of animals; those animals command a higher price for the producer; and the consumer benefits by receiving a safe and nutritious food product. On balance, there will be a positive economic impact because of these proposed amendments.

Federal Standards Statement

Executive Order No. 27 (1994) and P.L. 1995, c.65 require State agencies which adopt, readopt, or amend State regulations that exceed any Federal standards or requirements to include in the rulemaking document a comparison with Federal law. Although animal disease reporting systems are voluntary at the Federal level, both the states and the country are reliant upon efficient and immediate reporting, as required by the United States' International trading partners in order to ensure transparency in disease reporting and allow for continuance of international trade in animals and animal products. The National Animal Disease Surveillance System and the National Animal Health Reporting Systems comprise the reporting systems utilized by states and the USDA. In addition, the CDC's Select Agent list and the USDA's list of High Consequence Livestock Diseases set forth issues related to the possession, transfer and use of these agents. Since there is no overarching Federal system for disease reporting, a Federal

standards analysis is not required because the subject matter of the proposed amendment is governed by the New Jersey Department of Agriculture and is not subject to any Federal requirements or standards.

Jobs Impact Statement

The proposed amendments will not result in the generation or loss of jobs in the State of New Jersey.

Agriculture Industry Impact

The proposed amendments of N.J.A.C. 2:2-1.1 will result in a positive impact on the New Jersey farm industry and State's citizens by helping prevent the introduction and spread of dangerous diseases and agents among livestock, poultry, aquacultured aquatic organisms or species, and animals raised for fur, thereby protecting the economic viability of New Jersey farms and health and well-being of New Jersey citizens.

Regulatory Flexibility Analysis

While most farmers are small businesses as that term is defined by the Regulatory Flexibility Act, N.J.S.A. 52:14B-16 et seq., the proposed amendments do not impose any new or increased recordkeeping and/or other compliance requirements beyond those already mandated by the authorizing statutes. As discussed in the Summary above, many of the diseases that are now shown independently were always part of the reporting requirements. The list of reportable diseases has been expanded and clarified for ease of

use. While there are new diseases which must be reported, the framework for that reporting has been established and will not change as a result of these amendments. Therefore, while the Department believes there will be no increased compliance requirements, any increased compliance requirements that may result will be minimal and are offset by the benefits of these amendments as discussed in the Summary, Social Impact and Economic Impact statements above.

In New Jersey there is a farm animal population in excess of 2.5 million, consisting of horses, cattle, sheep, goats, pigs, chickens and other poultry. Finally, the NJDEP - Division of Fish and Wildlife has issued approximately 7,000 permits for non-game exotic animals, including 6,395 hobby permits, 65 breeder and dealer permits, and 14 zoological holding permits; as well as approximately 220 permits for captive game, including 66 hobby permits and 57 breeder permits. Without the proposed amendments, New Jersey livestock, poultry, aquaculture aquatic organisms or species, and fur farmers would be at risk for the exposure and spread of dangerous diseases and agents among their animals. Furthermore, these animals may either be accidental victims of disaster, secondary victims of acts of terrorism targeting humans, or primary intentional targets in acts of agro-terrorism. The results of either an intentional or accidental entry of disease into the animal population of New Jersey would be economically devastating to New Jersey because of the economic impact associated with the prevention and eradication of the disease as well as loss of inter-State and international commerce. For example, in a recent outbreak of Low Pathogenic Avian Influenza in Virginia it cost the state and the industry 130 million dollars in control and eradication efforts. In addition, these amendments will control disease, protect the public health, welfare and safety, and ensure

national security. Therefore, no differing standards based on business size are allowed. The New Jersey Department of Agriculture has carefully attempted to balance the need for disease control with the impact on the citizen. No professional services or capital expenditures will be required as a result of these amendments.

Smart Growth Impact

The Department anticipates that there will be no impact on the achievement of smart growth or upon the implementation of the State's Development and Redevelopment Plan from the proposed amendments.

Full text of the proposal follows (additions indicated in boldface thus; deletions indicated in brackets [thus]):

2:2-1.1 Enumeration of diseases and agents contagious, infectious, or hazardous to the health of livestock, poultry, aquaculture, or animals raised for fur. [dangerous to animal health]:

- a. The following words and terms, as used in this subchapter, shall have the following meanings, unless the context clearly indicates otherwise.

"Aquaculture" means the propagation, rearing and subsequent harvesting of aquatic organisms in controlled or selected environment, and their subsequent processing, packaging and marketing, and shall include, but need not be limited to activities to intervene in the rearing process to increase production such as stocking, feeding, transplanting and providing for protection from predators.

“Aquatic organism” means an animal or plant of any species or hybrid thereof and includes gametes, seeds, eggs, sperm, larvae, juvenile and adult stages any of which is required to be in water during that stage of its life. This definition does not include birds and mammals.

“Aquatic species” means any species of fish, mollusk, crustacean, other aquatic invertebrate, amphibian, reptile or aquatic plant but is not limited to fish and fishes.

"Cattle" includes cattle, calves, bison, buffalo and other domesticated Bovidae.

“Foreign animal diseases” (FAD) is defined as an important transmissible livestock or poultry disease believed to be absent from the United States and its territories that has a potential significant health or economic impact.

"Horses" includes horses, ponies, donkeys and mules and miniature breeds.

“Livestock” means cattle, horses, swine, small ruminants, rabbits and poultry.

“Office International des Epizooties” (OIE) is an intergovernmental organization created by the International Agreement of January 25, 1924, signed by 28 countries, to ensure transparency in the global animal disease situation, to collect, analyze and disseminate veterinary scientific information, to provide expertise and encourage international

solidarity in the control of animal diseases, within its mandate under the World Trade Organization SPS (Sanitary/PhytoSanitary) Agreement, to safeguard world trade by publishing health standards for international trade in animals, and animal products, and to improve the legal framework and resources of national veterinary services.

"Poultry" includes chickens, roosters, capons, hens, ducks, geese, turkeys, pigeon and guinea fowl (N.J.S.A. 4:5-94) and ratites (N.J.S.A. 4:2-17).

"Rabbits" include all rabbit breeds used or intended for food or fiber.

"Select agents" (s. agent) are biological agents and toxins that have the potential to pose a severe threat to public health and safety.

"Small ruminants" include sheep, goats, llama, alpaca, and farm-raised cervidae.

"Swine" include domestic and exotic porcine breeds.

"USDA-APHIS" means the United States Department of Agriculture- Animal and Plant Health Inspection Service which is responsible for protecting and promoting United States agricultural health, protecting America's animal and plant resources from agricultural pests and diseases, threats to our food supply, administering the Animal Welfare Act, and carrying out wildlife damage management activities.

“USDA HCLD” means United States Department of Agriculture list of high consequence livestock diseases which includes agents or toxins deemed a severe threat to animal or plant health or products.

[a] (b) The following diseases and agents are designated as a particular and dangerous menace to the animal health of the State. The chart below identifies categories of diseases and identifies the source location for these diseases. Diseases may be included on several or none of these lists. Those diseases not included on any list remain significant to animal health in the State of New Jersey and are therefore included in the chart.

[1. Livestock:

- i. Anaplasmosis;
- ii. Anthrax;
- iii. Cattle tick fever;
- iv. Contagious equine metritis;
- v. Equine viral encephalitis;
- vi. Equine infectious anemia
- vii. Mucosal disease complex;
- viii. Paratuberculosis;
- ix. Pseudorabies;
- x. Rabies;
- xi. Swine erysipelas;

xii. Tuberculosis;

xiii. Vesicular exanthema;

xiv. Vesicular stomatitis;

xv. All foreign animal diseases that pose a threat to the health of livestock, poultry, aquaculture, or animals raised for fur in the State as designated by USDA APHIS Title 9 CFR, or USDA APHIS emergency declarations.]

[2. Poultry:

i. Avian influenza;

ii. Fowl typhoid;

iii. Paracolon infestation;

iv. Paratyphoid infection;

v. Psittacosis or ornithosis;

vi. Pullorum;

vii. Erysipelas in poultry;

viii. All foreign animal diseases.]

Multiple Species Diseases	FAD	S. Agent	OIE	USDA HCLD
Aflatoxin				
African Animal Trypanosomiasis	x		x	
Aujeszky's disease (Pseudorabies)			x	
Bluetongue/ Epizootic Hemorrhagic Dz	x		x	X
Botulism		x		
Burkholderia (pseudomallei, mallei)		x		X
Campylobacteriosis			x	
Coccidiomycosis		x		
Echinococcus/hydatidosis			x	
Foot and Mouth disease	x		x	X
Foreign Pests and Vectors of Arthropod-borne disease	x	x		
Hantavirus				
Heartwater	x		x	X
Leptospirosis			x	

Lumpy skin disease	x		x	X
New and Old World Screwworm	x		x	
Nipah Virus	x	x		X
Orthopox virus (Monkey Pox, Camel Pox,)	x	x		X
Paratuberculosis			x	
Plaque (Yersinia pestis)		x		
Q fever (Coxiella brunette)		x	x	
Ricin		x		
Rift Valley Fever	x	x	x	X
Salmonellosis			x	
Tuberculosis			x	X
Tularemia (Francisella tularensis)		x		
Vesicular stomatitis	x		x	X
Viral Hemorrhagic diseases		x		
Hemorrhagic Septicaemia	x		x	
Toxins (Shigatoxin (STEC e.coli),Staphylococcal enterotoxins,T-2 toxin)		x		X

Diseases infectious to livestock	FAD	S. Agent	OIE	USDA HCLD
Akabane	x			X
African Horse Fever	x			X
African Swine Fever	x		x	X
Anaplasmosis			x	
Anthrax		x	x	
Bovine Ephemeral Fever	x			
Brucellosis	x	x	x	
Cattle tick fever (Babesiosis)			x	
Caprine Arthritis Encephalitis (CAE)			x	
Classical Swine Fever	x		x	X
Contagious Agalactia of Sheep and Goats	x		x	
Contagious Bovine Plueropneumonia	x		x	
Contagious equine metritis (CEM)	x		x	
Contagious Caprine Plueroneumonia	x		x	
Cysticercosis			x	
Dourine	x		x	
East Coast Fever	x			
Epizootic Lymphangitis	x		x	
Equine Morbillivirus Pneumonia	x			
Equine Piroplasmosis			x	
Equine infectious anemia (EIA)			x	
Equine rhinopneumonitis (EHV-1, EHV-4)			x	
Equine viral encephalitis		x	x	
Erysipelas in swine			x	
Glanders	x		x	
Hendra Virus	x	x		X
Louping Ill	x			
Maedi-Visna			x	
Malignant Catarrhal Fever	x		x	X

Melioidosis				
Menangle Virus				X
Mycoplasma (Capricolum/M.F38/ mycoides mycoides, mycoides capri)				X
Mucosal disease complex				
Nairobi Sheep Disease	x		x	
Parafilaria in Cattle	x			
Porcine reproductive and respiratory syndrome (PRRS)			x	
Peste Des Petits Ruminants	x		x	X
Rabies			x	
Rinderpest	x		x	X
Sheep and Goat Pox	x		x	
Swine Vesicular Diseases	x		x	
Transmissible spongiform encephalopathies (TSEs)	x		x	X
Trichinellosis			x	
Trichomonosis			x	
Tuberculosis (Mycobacterium avium, Mycobacterium bovis, and Mycobacterium tuberculosis)			x	
Vesicular exanthema	x			

Diseases infectious to poultry	FAD	S. Agent	OIE	USDA HCLD
Asian tapeworm (Bothriocephalus acheilognathi)				
Avian infection bronchitis			x	
Avian infectious laryngotracheitis			x	
Avian influenza	x		x	X
Avian mycoplasmosis			x	
Exotic New Castle Disease (VVND)	x		x	X
Duck virus enteritis	x		x	
Erysipelas in poultry				
Fowl cholera			x	
Fowl typhoid (Salmonella gallinarum)			x	
Paracolon infestation				
Paratyphoid infection (Salmonella paratyphi)				
Psittacosis (ornithosis, chlamydiosis)			x	
Pullorum (Salmonella pullorum)			x	
Salmonella enteritidis				

Diseases infectious to aquaculture	FAD	S. Agent	OIE	USDA HCLD
Bacterial kidney disease (Renibacterium salmonarium)			x	
Baculovirus pennaci and other Baculovirus species				
Channel catfish virus				
Disseminated neoplasia blue mussel				
Enteric Redmouth (Yersinia ruckeri)				
Enteric septicemia of catfish (Edwardsiella tarda, Ictalari)			x	
Epizootic hematopoietic necrosis			x	
Furunculosis (Aeromonas salmonicida)				
Infectious hematopoietic necrosis			x	
Infectious pancreatic necrosis virus				
Juvenile oyster disease				

Koi herpes virus				
Non-endemic Protozoan and Metazoan parasites of finfish				
Onchorychus masou virus disease				
Perkinsus chesapeaki				
Pleistophora ovariae in baitfish				
Streptococcus iniae and other streptococcus species of finfish				
Spring Viremia of Carp				
Taura virus			x	
Viral encephalopathy and retinopathy				
Whirling disease (Myxobolus cerebralis)				
White spot disease virus			x	
Yellowhead disease			x	
Proliferative kidney disease				
Viral hemorrhagic septicemia			x	x

(c) In addition to the diseases listed in (b) above, all other foreign animal diseases and emerging diseases that pose a threat to the health of livestock, poultry, aquaculture, or animals raised for fur in the State as designated by USDA-APHIS, Title 9 CFR, Center for Disease Control (CDC), OIE or USDA APHIS emergency declarations must also be reported.

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Date: February 23, 2005